

REMARKS

Claims 1- 16, 20 and 21 remain in the application. Each of claims 1-16, 20 and 21 to clarify the invention and to address matters of form.

Claim 13 has been amended to overcome the objection raised in the office action.

The Office Action presents a rejection of claims 1-4, 8-16, 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art (AAPA), in view of U.S. Patent No. 6,101,014 (“Majima”) and Japanese Patent JP 03-214832 (“Nitta”). Office Action at pp. 5-20. Also, the Office Action presents a rejection of claims 5-7 under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art (AAPA), in view of Majima and Nitta, in further view of U.S. Patent Publication 2003/0118280 (“Miyazaki”). Applicant respectfully traverses.

The application teaches a “wavelength control means which determines whether the selected wavelength is a used wavelength or an unused wavelength on the basis of the reception status signal, and controls the wavelength selecting means until the unused wavelength is selected by the wavelength selecting means.” (see page 5 at line 26, and throughout), and none of the prior art of record teach this feature. As such, no combination of the prior art would make the claimed invention obvious to one of ordinary skill in the art.

AAPA (Figure 1 and Background)

The AAPA relates to a wavelength division multiplexing transmission system. However, there is no teaching in the AAPA of signal output means, wavelength control means, and optical transmitting means.

Majima (US 6,101,014)

Majima relates to a method for controlling a wavelength of emitted light in a wavelength division multiplexing transmission system. However, there are

clear differences between the present invention and the invention disclosed by Majima.

Majima does not disclose “wavelength control means which determines whether the selected wavelength is a used wavelength or an unused wavelength on the basis of the reception status signal, and controls the wavelength selecting means until the unused wavelength is selected by the wavelength selecting means.”

Majima teaches that an optical node sweeps an optical signal over a range of wavelengths from λ min to λ max and detects the wavelength disposition of the existing wavelengths. Next, the optical node sets a wavelength for transmission using the detection result so that the wavelength is spaced by the required channel spacing $\Delta\lambda$ from any existing wavelength on one end of any group of existing wavelengths (column 12, lines 4-10; column 13, lines 62-67). Thus, in Majima, the optical node always checks all wavelengths from λ min to λ max whether each wavelength is being used or not so that the optical node can detect the wavelength disposing of the existing wavelength (see column 12, lines 4-10; and Figures 1, 2, 3, and 6).

In the present invention, when one unused wavelength is selected by the wavelength selecting means, the wavelength control means can determine the wavelength as an available wavelength even if all of the wavelengths from λ min to λ max are not checked. Thus, in the present invention, the remote apparatus does not always check all wavelengths from λ min to λ max whether each wavelength is being used or not. This is not shown in Majima (or APAA or Nitta).

Nitta (JP03-214832)

Nitta relates to a method for controlling a wavelength of emitted light in a wavelength division multiplexing transmission system. However, there are clear differences between the present invention and the invention disclosed by Nitta.

Nitta does not disclose “wavelength control means which determines whether the selected wavelength is a used wavelength or an unused wavelength

on the basis of the reception status signal, and controls the **wavelength selecting** means until the unused wavelength is selected by the **wavelength selecting** means.”

Nitta teaches that an optical output apparatus always sweeps an optical signal over the range of wavelengths for transmitting and checks whether each wavelength is being used or not.

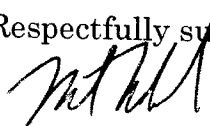
U.S. Patent Publication 2003/0118280 to Miyazaki

The Miyazaki reference has been relied on in the office action as teaching a wavelength controller at a central station being used to set the correction position of a laser based on a signal from a remote apparatus. Miyazaki, however, discloses none of the missing features discussed in detail above for the combination of AAPA, Majima and Nitta. As such, claims 5-7 cannot be obvious over the combination proposed.

In view of the foregoing, Applicant respectfully requests that the application with claims 1-16, 20 and 21 be passed to issue. Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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